

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK B. ARONSON,)
Plaintiff,) ELECTRONICALLY FILED
v.)
NATIONAL GAS & ELECTRIC, LLC, a Texas) Case No.: 2:18-cv-1531
limited liability company,)
Defendants.)

DEFENDANT'S NOTICE OF REMOVAL

Defendant National Gas & Electric, LLC (“Defendant”), by and through the undersigned counsel, hereby removes Case No. GD 18-012895, *Mark B. Aronson vs. National Gas & Electric, LLC*, an action pending in the Court of Common Pleas of Allegheny County, Pennsylvania (“State Court Action”), to the United States District Court for the Western District of Pennsylvania. Defendant removes the State Court Action under 28 U.S.C. §§ 1331, 1441(a) and (c), and 1446, on the factual and legal grounds discussed below.

I. Background

1. On October 10, 2018, Plaintiff Mark Aronson (“Plaintiff”) filed a complaint against Defendant in the Court of Common Pleas of Allegheny County, Pennsylvania, entitled *Mark B. Aronson vs. National Gas & Electric, LLC*, Case No. GD 18-012895.
2. Defendant was served with a copy of the Summons and Complaint on or about October 15, 2018. Exhibit A-3.
3. Among other things, Plaintiff alleges that Defendant violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as the TCPA arises under the Constitution, laws, or treaties of the United States. *Mims v. Arrow Fin. Svcs., LLC*, 565 U.S. 368 (2012).

5. The Court has supplemental jurisdiction over Plaintiff's other claim (for violation of the Pennsylvania Telemarketer Registration Act, 73 P.S. §§ 2241–2249). 28 U.S.C. § 1441(c); 28 U.S.C. § 1367.

II. Venue

6. The State Court Action is being removed from the Court of Common Pleas of Allegheny County, Pennsylvania, which is within the Western District of Pennsylvania.

III. Procedure for Removal

7. Defendant was served with the Summons and Complaint on or about October 15, 2018. (See Exhibit A.) This Notice of Removal is timely because it is being filed within 30 days of Defendant's receipt of the Summons and Complaint, and within one year of the commencement of this action. 28 U.S.C. § 1446(b); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (explaining that the time for filing a notice of removal does not run until a party has been served with the summons and complaint under the applicable state law).

8. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly provide written notice of removal of this action to Plaintiff, and will promptly file a copy of this Notice of Removal with the Clerk of the Court of Common Pleas of Allegheny County, Pennsylvania.

9. A copy of all process, pleadings, and orders served upon Defendant is attached hereto as Exhibit A in accordance with 28 USC § 1446(a).

10. For all of the foregoing reasons, this Court has original jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and removal is proper.

WHEREFORE, Defendant respectfully requests that the above action now pending in the Court of Common Pleas of Allegheny County, Pennsylvania, Case No. GD 18-012895, be removed to the United States District Court for the Western District of Pennsylvania.

Dated: November 14, 2018

Respectfully Submitted,

s/ Matthew H. Sepp

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Pro Hac Vice Forthcoming

Attorneys for Defendant National Gas & Electric, LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2018, the foregoing was filed with the Clerk of the Court using the CM/ECF system and served upon the following by United States Mail, postage prepaid and via electronic mail:

Mark B. Aronson
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Mba9999@aol.com

Plaintiff, Pro Se

/s/ Matthew H. Sepp
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